

Senate Bill 1043

Petition Fraud

Senator Norma J. Torres

SUMMARY

Senate Bill (SB) 1043 clarifies that individuals who commit fraud involving in-lieu filing fee and political party qualification petitions are subject to the same felony penalties that apply to individuals found guilty of committing other forms of petition fraud.

BACKGROUND

Individuals convicted of committing fraud relative to nomination papers, declarations of candidacy, initiatives, referenda, and recall petitions are subject to specific felony penalties. However, the law does not clearly subject individuals who forge an in-lieu filing fee petition or political party qualification petition to those same felony penalties.

This lack of clarity has impacted recent Secretary of State investigations involving both in-lieu filing fee and party qualification petition cases. One case involved the alleged forgery of 2,000 signatures by an in-lieu filing fee signature collector. Charges of affixing false names to a petition could not be sustained because the law does not clearly prohibit falsifying in-lieu filing fee petitions. In another case, an allegedly false title page was used by a party qualification petition circulator, but a conviction could not be obtained because the law does not specifically preclude this activity as it relates to party qualification petitions.

SUPPORT

Secretary of State Debra Bowen (sponsor)
California Association of Clerks and Elections
Officials

STATUS

Assembly Elections and Redistricting
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